



**CITY OF FITCHBURG MASSACHUSETTS
CITY COUNCIL CALENDAR**

FITCHBURG CITY CLERK

16 MAY 12 11 59

May 17, 2016 7:00PM

**Memorial Middle School Library
615 Rollstone Street
Fitchburg MA 01420**

WELCOME TO THE FITCHBURG CITY COUNCIL!

This is intended to help you understand the meeting format and assist you with the rules of the Council as they pertain to your participation.

All meetings of the Fitchburg City council are open to the public. This does not mean that the public participates in all aspects of the meeting. It simply means that the meeting itself, including all discussions and votes, is open for public view.

Executive Session

The only time a Council meeting can be closed to the public is when the Council votes for Executive Session in order to discuss sensitive matters in private, such as pending litigation. Any votes taken however, must be taken in open session.

OPPORTUNITIES FOR THE PUBLIC TO SPEAK DURING A COUNCIL MEETING:

Public Forum

The Public Forum occurs immediately following the Pledge of Allegiance. The President will ask if anyone in the audience wishes to speak on any matter appearing on the Agenda. If you wish to address the Council, you must stand and be recognized and follow these rules before speaking:

1. State your name and address.
2. Approach the center table and either stand or sit. This allows you to be seen and heard clearly by everyone in attendance.
3. You may speak only on items appearing on the agenda for no more than (2) minutes. Copies of the agenda are available on the center table prior to the meeting.
4. Please state the petition, order, ordinance, or resolution number to which you refer.

Public Hearings

Public hearings are held on various issues such as Special Permits and Zoning changes. The same rules apply with the following exceptions:

1. You must stand and be recognized either "in favor" or "in opposition" when asked by the Council President.
2. You need not refer to the petition number.

If you have any questions or comments either before or after the meeting, any Councillor would be happy to assist you.

Thank you for your interest!

I. PUBLIC FORUM

II. COMMUNICATION FROM DEPARTMENT HEAD

Letter from Nathan LaRose, Parks and Recreation Director regarding Heritage Park Flag Policy.

III. COMMUNICATION - OTHER

Two letters of Appointment from Council President Michael Kushmerek as follows:

1. Re-Appointment of Debra A. Vilandry as Fitchburg Assistant City Clerk, term to expire May 1, 2019.
2. Re-Appointment of Anna M. Farrell as Fitchburg City Clerk, term to expire May 1, 2019.

IV. SPECIAL PRESENTATION

Presentation of Herman J. Bourque, City Council Scholarship Award

Fitchburg High School: Renee Courtney Webber

V. ANNUAL REPORT

087-16. ANNUAL REPORT: Fitchburg Public Library July 1, 2014-June 30, 2015.

VI. REPORTS OF COMMITTEES

APPOINTMENTS COMMITTEE

Meeting of May 10, 2016

Chief Procurement Officer for the City of Fitchburg

Ms. Mary Delaney, 127 Temple Street, Gardner, MA 01440

(Term to expire June 1, 2019)

(Recommendation-Appointment be Approved)

Oral Report of meeting to be held on May 17, 2016 at 6:45PM

New Appointments:

Zoning Board of Appeals

(Term to expire January 1, 2021)

Mr. Anthony M. Zarella, 371 Wanoosnoc Road, Fitchburg, MA 01420

Permanent Reserve Police Officer for the City of Fitchburg

Demetrice D. Phillips, 138 Boutelle Street, Fitchburg, MA 01420

Council as a Whole Committee Oral Report

Meeting of May 17, 2016

Discussion regarding one-lane Main St.

VII. RESOLUTION

- 088-16. RESOLUTION: Adopting the Montachusett Region Natural Hazard Mitigation Plan 2015 update.

VIII. ORDER-OTHER

- 089-16. ORDER: Laying out Turkey Hill Road and Goodfellow Drive and establish as public streets.
(Reference Petition #215-15)
(Public Hearing June 21, 2016)

IX. LOAN ORDER

- 073-16. LOAN ORDER: that the sum of Nine Hundred Thousand Dollars (\$900,000) be and hereby is appropriated to pay the cost of parking garage repairs, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$900,000 under G.L. c.44, s 7(3A) or any other enabling legislation; that the Mayor is authorized take any other action necessary or convenient to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.
(Final Reading)

X. ORDERS-FINANCE

- 090-16. ORDERED THAT: There be and hereby is appropriated the sum of THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000), same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT-DEMOLITION.
- 091-16. ORDERED THAT: The City of Fitchburg hereby accepts the gift of approximately \$260,000 from the Fitchburg Redevelopment Authority for the purpose of funding Demolition Activities in the approved Urban Renewal Area.
- 092-16. ORDERED THAT: The City of Fitchburg hereby accepts and appropriates the insurance proceeds of approximately \$60,000 for Demolition Activities involving 39-43 West Street and 28 Oliver Street (former Central Fire Headquarters).

093-16. ORDERED THAT: There be and hereby is appropriated the sum of THREE HUNDRED NINETY THOUSAND DOLLARS (\$390,000), same to be charged against AVAILABLE FUNDS and credited to accounts as follows: \$320,000 to HEALTH INSURANCE and \$70,000 to UNEMPLOYMENT COMPENSATION.

XI. FY2017 BUDGET RELATED ORDERS

094-16. ORDER: The Mayor's FY2017 Operating Budget:
General Fund: \$112,944,282
Airport: \$ 743,425
Wastewater: \$ 11,444,025
Water: \$ 5,976,469

095-16. ORDERED THAT: There be and hereby is appropriated the sum of SEVEN HUNDRED THOUSAND DOLLARS (\$700,000), same to be credited to the Fiscal Year 2017 TAX LEVY and charged against OVERLAY SURPLUS.

096-16. ORDERED THAT: There be and hereby is appropriated the sum of TWO HUNDRED FIVE THOUSAND TWO HUNDRED FIFTY-SIX DOLLARS (\$205,256), same to be charged against PARKING/METER GARAGE RECEIPTS and credited to Fiscal Year 2017 accounts as follows:
Treasurer Personal Services: \$ 84,256
Treasurer Expenses: \$121,000

097-16. ORDERED THAT: There be and hereby is appropriated the sum of FIFTEEN THOUSAND DOLLARS (\$15,000), same to be charged against CEMETERY SALE OF LOTS AND GRAVES and credited to Fiscal Year 2017 accounts as follows:
Cemetery Personal Services: \$15,000

098-16. ORDERED THAT: There be and hereby is appropriated the sum of SEVEN HUNDRED FORTY-THREE THOUSAND FOUR HUNDRED TWENTY-FIVE DOLLARS (\$743,425), same to be charged against AIRPORT RECEIPTS RESERVED and credited to Fiscal Year 2017 Airport Fund accounts as follows:
Personal Services: \$225,118
Expenses: \$518,307

099-16. ORDERED THAT: There be and hereby is appropriated the sum of ELEVEN MILLION FOUR HUNDRED FORTY-FOUR THOUSAND TWENTY-FIVE DOLLARS (\$11,444,025), charging (\$10,261,100) against WASTEWATER ENTERPRISE FUND RECEIPTS and \$1,182,925 against WASTEWATER ENTERPRISE RETAINED EARNINGS and crediting Fiscal Year 2017 Wastewater Enterprise Fund accounts as follows:
Personal Services \$2,223,325
Expenses \$3,150,700
Indirect Costs \$ 950,000
Debt Service \$4,520,000
Capital Expenses \$ 600,000

100-16. ORDERED THAT: There be and hereby is appropriated the sum of FIVE MILLION NINE HUNDRED SEVENTY-SIX THOUSAND FOUR HUNDRED SIXTY-NINE DOLLARS (\$5,976,469), charging \$5,870,000 against WATER ENTERPRISE FUND RECEIPTS and \$106,469 against WATER ENTERPRISE RETAINED EARNINGS and crediting Fiscal Year 2017 Water Enterprise Fund accounts as follows:

Personal Services	\$1,581,469
Expenses	\$1,410,000
Indirect Costs	\$ 720,000
Debt Service	\$1,835,000
Capital Expenses	\$ 430,000

101-16. ORDERED THAT: The City of Fitchburg is authorized to establish the following Revolving Funds for Fiscal 2017 pursuant to MGL ch.44, sec. 53E1/2, each with a maximum annual expenditure limit of \$100,000, and in accordance with the following specifications:

the City of Fitchburg is authorized to establish the following Revolving Funds for Fiscal 2017 pursuant to MGL Ch 44, sec. 53E1/2, each with a maximum annual expenditure limit of \$100,000, and in accordance with the following specifications:

REVOLVING FUND	PROGRAMS & PURPOSES	DEPARTMENTAL RECEIPTS	AUTHORIZATION TO EXPEND
Animal Control Police Department	<i>Animal Health & Safety</i> Veterinary expenses, kennel, food, part-time wages, and related activities	All related fees, fines, reimbursements, & unrestricted donations	Chief of Police
Civic Days Mayor/Recreation Department	<i>Civic Events & Activities</i> Advertising, contracted services, bands, fireworks, concessions supplies & materials, part-time wages, and related activities	All related fees, reimbursements, memberships & unrestricted donations	Mayor or Mayor's designee, Recreation Director
Communications Tower & Equipment Maintenance/Replacement Fire Department	<i>Tower Equipment Maintenance</i> Maintenance and/or replacement of the tower and its related equipment	All related rental fees	Fire Chief
Demolition Community Development	<i>Demolition and Code Enforcement</i> Demolition, boarding and securing, and abating public health nuisances related to abandoned or dilapidated properties as determined by city officials comprising the NICE Committee	All demolition liens, municipal abatement liens, and related insurance and other reimbursements provided they are not restricted (i.e. not CDBG, etc)	Community Development Director or designee
Public Cemetery Cemetery Department	<i>Public Cemetery Activities</i> Improvements to buildings, grounds, and equipment, costs related to memorialization activities, part-time wages and related activities	All related sales, rental fees, and unrestricted donations (i.e. not Trust funds, Sale of Lots and Graves, burial fees, CDBG, etc)	Cemetery Superintendent DPW Commissioner
Public Health Sustainability Board of Health	<i>Regional Public Health District Incentive Grant (PHDIG)</i> Costs related to regionalization efforts within the network district including personnel and related fringe benefits, contracted services, training materials, materials, supplies	All related reimbursement for services provided, annual membership fees, permit fees, and	Director of Public Health

REVOLVING FUND	PROGRAMS & PURPOSES	DEPARTMENTAL RECEIPTS	AUTHORIZATION TO EXPEND
Public Library Fitchburg Public Library	<i>Public Library Activities & Events</i> Updates to computers, printers, and other equipment related to providing service to the public and including but not limited to internet access and programs; wages to staff and custodians for overseeing non-library related events in the auditorium after hours, and any such related activities	All receipts related to library services and activities including rentals, overdue fines, processing fees, and unrestricted donations	Library Trustees or Chief Librarian
Traffic Enforcement Police Department	<i>Traffic Enforcement Program</i> Expenses and overtime wages devoted to increased traffic enforcement regarding motor vehicle vehicle violations in the City of Fitchburg	Limited to 25% of Civil Motor Vehicle Infraction (CMVI) fines received from Comm of Mass District Court	Chief of Police
Traffic Safety Equipment Police Department	<i>Traffic Safety Equipment</i> Procuring and maintaining equipment devoted to increased traffic safety in the City of Fitchburg	Limited to 25% of fees collected pursuant to the City's towing contract	Chief of Police
Senior Center Activities Council on Aging	<i>Senior Center Activities</i> Expenses and custodial wages related to rental of facility, costs of kitchen activities including daily coffee and pastry sales, and other such senior center events	All receipts related to senior center activities, including unrestricted donations	Executive Director of the Council on Aging
Sidewalk Department of Public Works	<i>Sidewalk Construction and Maintenance</i> Maintenance of existing sidewalks and construction of new sidewalks at the discretion of the DPW Commissioner	All receipts from developers resulting from Planning Board Board waivers of the sidewalk requirement for approved subdivisions	DPW Commissioner
Stormwater Maintenance Department of Public Works	<i>Stormwater Facilities Maintenance</i> Maintenance of existing stormwater facilities and to comply with stormwater regulations	All per-lot fees received from subdivision developers for maintenance of stormwater facilities	DPW Commissioner

XII. FY2017 BUDGET RELATED ORDINANCE

- 102-16. ORDINANCE: That Chapter 44, Section 10 of the Code of the City of Fitchburg, as most recently amended, be further amended by adding thereto the following:
UNDER POSITIONS PAID HOURLY: Effective 7/1/16

Playground Supervisor	\$15.00
Playground Instructor	\$11.00
Head Lifeguard	\$15.00
Lifeguard I	\$13.00
Lifeguard II	\$13.50
Pool Desk Attendant/Concessions	\$11.00
Splash Park Attendant	\$11.00
Temporary Seasonal Laborer/Groundskeeper	\$11.00
(First Reading)	

XIII. ORDINANCE

- 082-16. ORDINANCE: Amend City Code Chapter Fourteen (14), Article I: Sale of City-owned Real Estate, section 14-2 Procedure by adding Paragraph H as follows:

"Nothing herein shall prevent the duly appointed custodian of tax possessions from applying any procedure set forth in Massachusetts General Law including but not limited to M.G.L. c. 60 §77B for selling or leasing property."

(Reference Petition #69-16)
(Final Reading)

XIV. PETITIONS

- 103-16. Calvin D. Brooks, Treasurer, to request the City Solicitor to draft a deed in lieu of foreclosure, pursuant to M.G.L. Ch. 60, S. 77C, for a parcel on Princeton Road owned by Anthony J. LaCava Family Trust, 460 Totten Pond Road, Waltham, MA 02451, to wit., parcel S53-8-1.
(City Property Committee)
- 104-16. Atty. Vincent P. Pusateri, City Solicitor, to authorize the Mayor to enter in negotiations and execute a PILOT Agreement with Fitchburg Solar Project to be located at 549 Fisher Road.
(Finance Committee)
- 105-16. Councillor Joel Kaddy and Gregory Therrien, to install a berm at 55 Hemlock Drive to control water runoff.
(Public Works Committee)

- 106-16. Steve Marsden, President of S.M. Development, Inc., to amend the Fitchburg Zoning Ordinance by adopting a by-law which would insert a new section: 181.8431 Approved Plan Development Districts (Westminster Hill Road Commercial Recreational District).
(Planning Board and City Council Public Hearing July 5, 2016)
- 107-16. Steve Marsden, President of S.M. Development, Inc., to amend the Fitchburg Zoning Ordinance by amending 181.313 Table of Use Regulation by striking the letter "N" in line "C.19" and inserting in its place "PB" and to amend 181.321 by adding 181.3217. (Westminster Hill Road Commercial Recreational Planned Development District)
(Planning Board and City Council Public Hearing July 5, 2016)

XV. MATTER TABLED IN PUBLIC SAFETY COMMITTEE

- 180-16. Councillor Michael Kushmerek, to install a traffic mirror on Pearl St., opposite its intersection with Longwood Ave.

Next Regular Meeting
7:00PM, Tuesday, June 7, 2016